



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Pat nt and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, DC 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/992,150	12/17/97	MODI J	MODICASE3

HM42/0825

DAVID EDWARDS  
HERCULES INCORPORATED  
INTELLECTUAL PROPERTY SECTION  
HERCULES PLAZA  
WILMINGTON DE 19894-0001

EXAMINER  
WEBMAN, E

ART UNIT  
1615

PAPER NUMBER

DATE MAILED: 08/25/98

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

## Office Action Summary

Application No.

08/992150

Applicant(s)

MODI

Examiner

WEBMAN

Group Art Unit

1615

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 12/17/97
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-33 is/are pending in the application.
- ☐ Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-33 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) \_\_\_\_\_
- ☒ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

Art Unit: 1615

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4-6, 8, 10, 13, 15, 16, 18, 20-22, 25, 26, 30, 33 are rejected under 35

U.S.C. 102(b) as being anticipated by T'Sas ('207).

T'Sas teaches a composition comprising water and the claimed polysaccharide (column 5 Table 2 and column 3 Table 3).

Claims 1-9, 11-13, 15-31, 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Landoll ('277).

Landoll teaches cellulose ethers modified with C<sub>10</sub>-C<sub>24</sub> alkyl groups (abstract). Hydroxy <sup>eth</sup>~~antyl~~ and hydroxypropyl <sup>p</sup>celluloses <sup>are</sup> ~~and~~ specified (column 2 lines 4-13). A composition comprising water and surfactant is specified (column 6 example 25).

Claims 1-9, 11-13, 15-31, 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Goddard.

Goddard teaches the cellulose of Landoll '277 (column 2 lines 33-35). A composition comprising water and the celluloses are disclosed (column 4, lines 53-56), <sup>S</sup> surfactants are disclosed (column 5 lines 1-8). <sup>Oils</sup> ~~Cells~~ Are also disclosed (column 5 lines 9-11).

Claims 1-9, 11-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Bolich '658.

Art Unit: 1615

Bolich '658 teaches the thickeners of Landoll '277 (column 4 lines 35-44). Water is disclosed (column 6 lines 19-20). Silicones <sup>are</sup> ~~and~~ specified (column 10 lines 32-34). Surfactants are disclosed at less than 1% (column 8 lines 8-19). <sup>Rheological</sup> ~~Rheological~~ aids, including certain salts, are <sup>s</sup> specified (column 6 lines 47-61).

As to the claimed intended use, they are of no patentable consequence in composition claims.

Claims 1-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1 'household care ingredient' is vague. Which ones?

In claim 14, is 'viscositying' a term of art?

The disclosure is objected to because of the following informalities: on page 7 line 6 is 'viscositying' a term of art? The last sentence on page 1 is incomplete.

Appropriate correction is required.

No claims allowed.

The Hercules trade literature cited <sup>by</sup> Bolich '658 in column 2 lines 26-27 is requested by <sub>^</sub> the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward J. Webman whose telephone number is (703) 308-4432. The examiner can normally be reached on M-F from 9:00 a.m. to 5:00 p.m.

Art Unit: 1615

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, T. K. Page, can be reached on (703) 308-2927. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-5408.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1235.

E. Webman:jmr

Aug. 21, 1998

7  
EDWARD J. WEBMAN  
PRIMARY EXAMINER  
GROUP 1500